



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,541	12/17/1999	DAN EHRLING	18212-0011	1304

21839 7590 09/14/2004

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/466,541

Applicant(s)

EHRING ET AL. ST

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant canceled Claims 1-25 and newly added Claims 26-33. All pending claims (26-33) were examined in this final Office Action necessitated by amendment.

### ***Response to Arguments***

Applicant's arguments filed 17 June 2004 have been fully considered but they are not persuasive.

The Applicant argues none of the cited prior art reference disclose or suggest application rules for dynamically selecting content objects wherein at least one of the rules has a parameter that can be resolved only dynamically at runtime.

Biffar (Paper #12) teaches the above as noted below by disclosing rules to dynamically generate content tagged on-the-fly, fixed characteristics and other characteristics being added dynamically (e.g. total price), and further teaches logic module rules describing how to arrive at a characteristic such as to calculate the total price of an item. Calculating a total price of items is rules-driven and occurs at runtime.

***Drawings***

1. In order to avoid abandonment, the drawing informalities noted in the paper mailed on 12 February 2004, Form PTO-948: Notice of Draftsperson Patent Drawing Review, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper. There is no record of the Applicant responding to this form issued with the Office Action mailed on 12 February 2004.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 26-28 and 30-32 are rejected under 35 USC 102(e) as being anticipated by Biffar (Paper #12, patent number 6,397,212).**

Biffar teaches all the limitations of Claims 26-28 and 30-32. For example, Biffar discloses a system that features a network application designed to adaptively render to users of the network application a plurality of content pages

generated from among a plurality of content (see at least abstract; col. 3, lines 20-46). Biffar further discloses:

- Generating a user database from individual and aggregate user profile data and observed user behavioral data; User databases; Content databases: A database or plurality of databases (e.g. user profiles, search histories, group profiles) (see at least Fig. 1 (3000); col. 4, lines 22-24; col. 8, lines 26-41; col. 9, lines 16-19; col. 10, lines 50-61); item database (see at least Fig. 1 (1000); Fig. 2 (1100); col. 4, lines 18-31).
- Generating a content database from a hierarchy of content objects
  - i. primitive objects; content elements: database containing a plurality of items containing information, each item itself comprising other information; data describing an item; item information composed of discrete elements (e.g. video, text, audio); sub-items (please note examiner's interpretation: primitives) (see at least Fig. 1 (1000); col. 4, lines 18-21; col. 4, line 26 through col. 5, line 28; col. 5, lines 49-57; col. 11, lines 3-12).
  - ii. User scenarios containing a plurality of content pages: user scenarios resulting in a plurality of content pages (see at least Fig. 7A (4000, 4400); Fig. 7B (70, 4000, 4400); Fig. 7C (4000); col. 11, lines 13 through col. 12, line 62).

- Creating one or more rules
  - i. based at least in part on data from data from the user database,for dynamically selecting content objects: A logic module that dynamically generates and/or creates items based on rules contained in the logic module; is adaptive such that search results improve over time; and is self-personalizing (see at least Fig. 1 (2000); col. 5, lines 19-57; col. 7, lines 7-18; 47-61).
  - ii. at least one of the rules having a parameter that can be resolved only dynamically at runtime (not upon creation): rules to dynamically generate content tagged on-the-fly; fixed characteristics and other characteristics can be added dynamically (e.g. total price); tagged data is structured on-the-fly logic module rules describe how to arrive at a characteristic such as to calculate the total price of the item (please note examiner's interpretation: calculating a total price is rules-driven and occurs at runtime) (see at least col. 5, lines 19-28; 36-48; 58-62; col. 10, line 64 through col. 11, line 2).
- Dynamically interpreting the rules to render and deliver over the network a plurality of content pages; rules engine: A search engine and search engine logic module that interprets the application's rules dynamically and delivers content over the network to users; dynamically bundles products

and services (see at least Fig. 1 (2000, 4000); col. 7, lines 47-61; col. 8, line 10 through col. 10, line 49).

- Dynamically selecting
  - i. One or more content objects, referenced implicitly via an expression relating to one or goals for the author: default algorithm used to achieve merchants desired result of displaying most profitable product (see at least Fig. 9; col. 8, lines 26-33).
  - ii. One or more users of the application that may receive the selected content objects: displayed results based on user profiles (see at least col. 8, lines 33-41).
  - iii. One or more application state conditions under which the selected content will be delivered: Application state condition is inherent in the system and method of Biffar.
- Pre-fetching: determines a potential sequence of interconnected content pages and presents linked facts ready to be accessed by the user; presents linked facts in a sequence as demonstrated by Figs 6a-b, 7a-n, and 8-10; calculates and recalculates based on variables (see at least Fig. 3; Fig. 6a-b; Fig. 7a (4100, 4210); Figs. 7b-n, 8-10; col. 3, lines 21-25; col. 5, lines 36-40, 58-61; col. 11, line 3 through col. 14, line 27).

Pertaining to system Claims 30-32

Rejection of Claims 30-32 is based on the same rationale as noted above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 29 and 33 are rejected under 35 USC 103(a) as being unpatentable over Biffar (patent number 6,397,212).**

Biffar teaches all the above as noted under the 102(e) rejection and teaches a) displaying dynamically rendered content to users in a consistent format (e.g. search page, results pages), and b) linked information being in any format (e.g. video), but does not disclose dynamically selecting templates. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose dynamically selecting templates, since it is well within the skill to ascertain that templates are selected at runtime to create consistent display formats for dynamically rendered content.

Pertaining to system Claim 33

Rejection of Claims 33 is based on the same rationale as noted above.



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

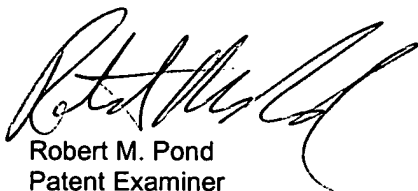
***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**703-872-9306** (Official communications; including After Final  
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Robert M. Pond  
Patent Examiner  
September 9, 2004